APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,589	01/11/2002	Soeren H. Thomsen	29505/PF02187NA	4731

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EXAMINER
EWART, JAMES D

ART UNIT	PAPER NUMBER
2683	/2

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*13 May, 2004*</u> .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

Response to Arguments

1.   The applicant's arguments regarding prior art rejections, filed 13 May 2004, have been fully considered by the Examiner, but they are not deemed to be persuasive.   Applicant argues that Metso fails to teach a message creation reference. Examiner disagrees and refers Applicant to Figure 8 which shows the message creation reference labeled 813, 818, and 819. Regardless, examiner uses the Appleman reference for the message creation reference limitation.   Metso and Appleman teach real time messaging and using a time stamp and this are analogous art. The motivation to combine is to manipulate messages using icons. Manipulating messages would include a number of things including copying or sending and receiving messages.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1- 17 and 19-27 are rejected under 35 USC 103(a) as being unpatentable over Appelman et al. (U.S. Patent No. 6,539,421) and further in view of Metso et al. (U.S. Patent No. 5,920,826).

Referring to claim 1, Appelman et al teaches a communication system providing real-time communication service to a plurality of subscribers, wherein the plurality of subscribers generates a plurality of real-time communication messages during a real-time communication session (Column 3, Lines 18 – 39), a method for providing a message creation reference associated with a real-time communication message comprising: generating a message creation reference associated with a real-time communication message (Column 9, Lines 49 – 50), the real-time communication message being generated by one of the plurality of subscribers (Figure 28); and transmitting the message creation reference and the real-time communication message (Figure 28). Although figures 16 to 31 show a time related message sequence and the time stamp provides the time when the message was sent, Appelman et al does not specifically teach that the real-time communication message is arranged relative to the plurality of real-time communication messages based on the message creation reference. Metso et al teaches that the real-time communication message is arranged relative to the plurality of real-time communication messages based on the message creation reference (Column 10, Lines 50-52). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Appelman et al with the art of Metso et al in which the real-time communication message is arranged relative to the plurality of real-time communication messages based on the message creation reference to provide the SMS page with horizontal and vertical button bars and additional icons to manipulate the messages (Column 10, Lines 5-16).

Referring to claim 9, Appelman et al teaches a communication system providing real--

time communication service to a plurality of subscribers, wherein the plurality of subscribers

generates a plurality of real-time communication messages (Column 3, Lines 18 – 39), and

wherein an apparatus is adapted to provide a message creation reference associated with a

real-time communication message (Column 9, Lines 49 – 50), the apparatus comprising: a

memory (Figure 2); a controller coupled to the memory (Figure 2), the controller being operable

to generate a message creation reference associated with a real-time communication message

generated by one of the plurality of subscribers (Figure 28), and the controller being operable to

transmit the message creation reference and the real-time communication message (Figure 28).

Although figures 16 to 31 show a time related message sequence and the time stamp provides the

time when the message was sent, Appelman et al does not specifically teach that the real-time

communication message is arranged relative to the plurality of real-time communication

messages based on the message creation reference. Metso et al teaches that the real-time

communication message is arranged relative to the plurality of real-time communication

messages based on the message creation reference (Column 10, Lines 50-52). Therefore, at the

time the invention was made, it would have been obvious to a person of ordinary skill in the art

to combine the art of Appelman et al with the art of Metso et al in which the real-time

communication message is arranged relative to the plurality of real-time communication

messages based on the message creation reference to provide the SMS page with horizontal and

vertical button bars and additional icons to manipulate the messages (Column 10, Lines 5-16).

Referring to claim 19, Appelman et al teaches a communication system for providing real-time communication service to a plurality of subscribers, wherein the plurality of subscribers generates a plurality of real-time communication messages (Column 3, Lines 18 – 39), and wherein a controller operates in accordance with a computer program (Column 3, Lines 18 – 31) embodied on a computer-readable medium for providing a message creation reference associated with a real-time communication message (Column 9, Lines 49 – 50), the computer program comprising: a first routine that directs the controller to generate a message creation reference associated with a real-time communication message (Column 9, Lines 49 – 50), the real-time communication message being generated by one of the plurality of subscribers; and a second routine that directs the controller to transmit the message creation reference and the real-time communication message (Figure 28). Although figures 16 to 31 show a time related message sequence and the time stamp provides the time when the message was sent, Appelman et al does not specifically teach that the real-time communication message is arranged relative to the plurality of real-time communication messages based on the message creation reference. Metso et al teaches that the real-time communication message is arranged relative to the plurality of real-time communication messages based on the message creation reference (Column 10, Lines 50-52). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Appelman et al with the art of Metso et al in which the real-time communication message is arranged relative to the plurality of real-time communication messages based on the message creation reference to provide the SMS page with horizontal and vertical button bars and additional icons to manipulate the messages (Column 10, Lines 5-16).

Referring to claims 2, 13 and 20, Appelman et al further teaches wherein the step of generating a message creation reference associated with a real-time communication message comprises generating a message creation reference associated with one of an instant messaging message and a group chat message (Column 3, Lines 18-31).

Referring to claims 3, 10 and 21, Appelman et al further teaches wherein the step of generating a message creation reference associated with a real-time communication message comprises generating a message creation reference associated with a real-time communication message in response to a subscriber input via one of an alphanumeric keypad, a numeric keypad, a touch-sensitive display and a microphone (Column 4, Lines 32-43).

Referring to claims 4, 14 and 22, Appelman et al further teaches wherein the step of generating a message creation reference associated with a real-time communication message comprises generating a time stamp associated with a real-time communication message (Column 9, Lines 30-38).

Referring to claims 5, 6, 15, 16, 23 and 24, Appelman et al further teaches wherein the step of generating a message creation reference associated with a real-time communication message comprises generating one of a message identifier (Figure 18, 664) a subscriber identifier (Figure 3; 134 and 135 and Figure 18; 668, 676) and a hash value associated with a real-time communication message based on an incoming message parameter, and wherein the incoming

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message parameter is associated with an incoming message from one of the plurality of subscribers (Figures 20 and 21).

Referring to claims 7, 11, and 25, Appelman et al teaches the limitations of claims 7, 11 and 25 including wherein the step of transmitting the message creation reference and the real-time communication message comprises transmitting the message creation reference and the real-time communication message in response to a subscriber input via one of an alphanumeric keypad, a numeric keypad, a touch-sensitive display and a microphone (Column 4, Lines 32-43). Although figures 16 to 31 show a time related message sequence and the time stamp provides the time when the message was sent, Appelman et al does not specifically teach that the real-time communication message is arranged relative to the plurality of real-time communication messages based on the message creation reference. Metso et al teaches that the real-time communication message is arranged relative to the plurality of real-time communication messages based on the message creation reference (Column 10, Lines 50-52). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Appelman et al with the art of Metso et al in which the real-time communication message is arranged relative to the plurality of real-time communication messages based on the message creation reference to provide the SMS page with horizontal and vertical button bars and additional icons to manipulate the messages (Column 10, Lines 5-16).

Referring to claims 8, 12 and 26, Appelman et al teaches the limitations of claims 8, 12 and 26 including wherein the step of transmitting the message creation reference and the

real-time communication message comprises transmitting the message creation reference and the real-time communication message during one of an instant messaging session and a group chat session (Figure 28 and Column 3, Lines 18-31). Although figures 16 to 31 show a time related message sequence and the time stamp provides the time when the message was sent, Appelman et al does not specifically teach wherein the real-time communication message is arranged relative to the plurality of real-time communication messages. Metso et al teaches the real-time communication message is arranged relative to the plurality of real-time communication messages (Column 10, Lines 50-52). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Appelman et al with the art of Metso et al wherein the real-time communication message is arranged relative to the plurality of real-time communication messages to provide the SMS page with horizontal and vertical button bars and additional icons to manipulate the messages (Column 10, Lines 5-16).

Referring to claim 17, Appelman et al further teaches wherein the apparatus comprises one of a cellular telephone, a pager, an electronic planner, and a communication network (Column 13, Lines 20-22).

Referring to claim 27, Appelman et al further teaches wherein the medium comprises one of paper, a programmable gate array, application specific integrated circuit, erasable programmable read only memory, read only memory, random access memory, magnetic media, and optical media (Column 13, Lines 49-56) .

3.   Claim 18 is rejected under 35 USC 103(a) as being unpatentable over Appelman et al and

Matsumoto et al and further in view of Isaacs et al. (U.S. Patent Pub no. 2002/0026483).

Referring to claim 18, Appelman et al and Matsumoto et al teach the limitations of claim

18, but do not teach wherein the apparatus comprises one of an Internet Protocol (IP) network

and a General Packet Radio Services (GPRS) network. Isaacs et al teaches wherein the

apparatus comprises one of an Internet Protocol (IP) network and a General Packet Radio

Services (GPRS) network [0027]. Therefore, at the time the invention was made, it would have

been obvious to a person of ordinary skill in the art to combine the teachings of Appleman et al

and Matsumoto et al with the teachings of Isaacs et al wherein the apparatus comprises one of an

Internet Protocol (IP) network and a General Packet Radio Services (GPRS) network to allow

devices to communicate wirelessly [0027]

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,
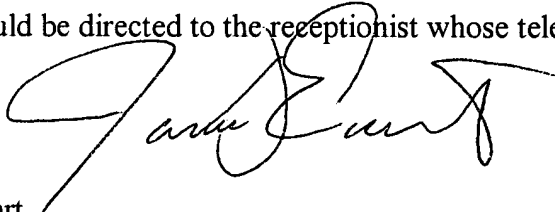
however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to James D Ewart whose telephone number is (703) 305-4826. The

examiner can normally be reached on M-F 7am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

William Trost can be reached on (703)308-5318. The fax phone numbers for the organization

where this application or proceeding is assigned are (703) 872-9306 for regular communications

and (703) 872-9306 for After Final communications.

        Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703)305-3900.

Ewart
June 10, 2004

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600